

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JAMES J. SCHLAIS, R.N.,	:	LS0907246NUR
RESPONDENT.	:	

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Division of Enforcement Case # 06 NUR 458, 08 NUR 453

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

James J. Schlais, R.N.  
N 4166 Amber Drive  
Appleton, WI 54915

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Board of Nursing  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James J. Schlais, R.N., (DOB 08/28/1954) is duly licensed as registered nurse in the state of Wisconsin (license # 30-130674). This license was first granted on September 4, 1998.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is N 4166 Amber Drive, Appleton, Wisconsin, 54915.
3. On or about December 6, 2006, Respondent was working as a registered nurse in a mental health institute. A patient with Downs syndrome wanted to shut a door in the unit. Respondent prevented the patient from closing the door. The patient became upset. Respondent grabbed the patient by the face with one hand and roughly squeezed her cheeks together.
4. On or about October 29, 2008, Respondent was working as a registered nurse in a mental health institute. A patient was obsessing about a red dictionary. Respondent tried to redirect him, and when the patient persisted in asking for

the dictionary, Respondent roughly brought the patient to the ground, and ordered the patient secured to a backboard with restraints, carried to a seclusion room, and put into locked seclusion.

5. Respondent's employer required him to undergo training in restraint and seclusion, and anger management. His supervisors agree that he showed a positive attitude toward addressing his deficiencies, worked hard to learn new methods of dealing with stressful situations, and is now doing an excellent job.

### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-4 above constitutes a violation of Wisconsin Administrative Code § NR 7.04(4), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

### ORDER

IT IS ORDERED:

1. James J. Schlais, R.N. is REPRIMANDED.

2. The license of James J. Schlais, R.N. to practice as a nurse in the State of Wisconsin, as well as his privilege to practice in Wisconsin under another state's license pursuant to the Multistate Nurse Licensing Compact, is LIMITED as follows:

- (a) Within 180 days of the date of this Order, Respondent, at his own expense, shall complete 12 hours of pre-approved continuing education in anger management for nurses. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 180 day time frame, taking into account the board's meeting schedule.
- (b) For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.
- (c) For a period of at least two (2) years from the date of this Order, Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.
- (d) Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Four Hundred Dollars (\$400.00) pursuant to § 440.22(2), Stats.

4. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement

1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. If Respondent fails to fully and completely comply with all terms and conditions set forth above or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services that the findings set forth in this Order shall thereafter constitute an agency finding of neglect for the purposes of Wis. Stat. §§ 48.685 and 50.065. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

6. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a nurse in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

7. This Order shall become effective upon the date of its signing.

Dated this 23<sup>rd</sup> day of July, 2009.

BOARD OF NURSING

By: Marilyn Kaufmann  
A Member of the Board

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	
	:	STIPULATION
JAMES J. SCHLAIS, R.N.,	:	LS# _____
RESPONDENT.	:	

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Division of Enforcement Case # 06 NUR 458, 08 NUR 453

James J. Schlais, R.N., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case nos. 06 NUR 458 and 08 NUR 453). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. If Respondent fails to fully and completely comply with all terms and conditions set forth in the attached Order, or if the Department receives a subsequent credible allegation against Respondent of abuse, neglect or misappropriation, the Department Monitor shall without further notice or hearing notify the Wisconsin Department of Health and Family Services

that the findings set forth in the attached Order shall thereafter constitute an agency finding of neglect for the purposes of Wis. Stat. §§ 48.685 and 50.065. Respondent shall then REFRAIN from any nursing employment in any facility licensed by the Wisconsin Department of Health and Family Services until such time as Respondent successfully completes a rehabilitation review administered by DHFS.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

_____ James J. Schlais, R.N. N 4166 Amber Drive Appleton, WI 54915	_____ Date
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_____ Jeanette Lytle, Attorney Division of Enforcement Wisconsin Department of Regulation and Licensing P.O. Box 8935 Madison, WI 53708-8935	_____ Date
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